

## **EXHIBIT C**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 ANTHONY MANGANIELLO,

5 PLAINTIFF,

6 -against-

Case No:  
07 Civ. 3644 (HB)

7 THE CITY OF NEW YORK, DET. LUIS AGOSTINI, INDIVIDUALLY and as  
8 a NEW YORK CITY POLICE DETECTIVE; SHAWN ABATE, INDIVIDUALLY  
9 and as a NEW YORK CITY POLICE DETECTIVE; DEREK PARKER,  
10 INDIVIDUALLY and as a NEW YORK CITY POLICE DETECTIVE; LT.  
11 HENRY SCOTT, INDIVIDUALLY and as a NEW YORK CITY POLICE  
12 LIEUTENANT; P.O. ALEX PEREZ, INDIVIDUALLY and as a NEW YORK  
13 CITY POLICE OFFICER; P.O. MIRIAN NIEVES, INDIVIDUALLY and as  
14 a NEW YORK CITY POLICE OFFICER; MICHAEL PHIPPS, INDIVIDUALLY  
15 and as the COMMANDING OFFICER of the 43RD PRECINCT; JOHN  
16 MCGOVERN, INDIVIDUALLY and as a NEW YORK CITY POLICE  
17 DETECTIVE SERGEANT; ROBERT MARTINEZ, INDIVIDUALLY and as a  
18 NEW YORK CITY POLICE DETECTIVE; GERYL MCCARTHY, INDIVIDUALLY  
19 and as a NEW YORK CITY POLICE DEPUTY INSPECTOR,

20 DEFENDANTS.  
21 -----X

22 DATE: December 21, 2007

23 TIME: 12:29 P.M.

24 EXAMINATION BEFORE TRIAL of the Plaintiff,  
25 ANTHONY MANGANIELLO, taken by the Respective Parties,  
pursuant to a Notice and to the Federal Rules of Civil  
Procedure, held at the offices of MICHAEL A. CARDOZA,  
Corporation Counsel, 100 Church Street, New York, New York  
10007, before a Notary Public of the State of New York.

DIAMOND REPORTING (718) 624-7200 info@diamondreporting.com

minutes.

Q. Did you see Albert Acosta in the locker room?

A. Yes.

Q. Did you talk to him?

A. Yes.

Q. What did you say?

A. We were just talking. Everybody was trying to top

each others jokes.

Q. Do you recall what he said to you?

A. No, it was nothing specific.

Q. What happened after you got dressed?

A. We went outside, and we waited for our radios and

keys.

Q. Was it the sergeant on tour that day that would  
just hand out the radios and keys?

A. Yes.

Q. Do you remember who it was that day?

A. Sergeant Ohle.

Q. Were you given your radio and keys?

A. Yes.

Q. What radio were you given?

A. I don't remember.

Q. I'm not asking if it was a number?

A. Parkchester radio.

Q. Were you given an NYPD radio?

1 A. No.

2 Q. Were you assigned to monitor an NYPD radio that  
3 day?

4 A. No.

5 Q. And the keys that you were given, were they keys to  
6 open all of the buildings and doors in Parkchester except for  
7 the ones you talked about earlier?

8 A. Yes.

9 Q. You have a roll call?

10 A. Yes.

11 Q. Did that occur in the same area where you got your  
12 radios and key?

13 A. Just a few steps further up.

14 Q. What happened at roll call?

15 A. There are two lines. We all assembled in the line,  
16 and the sergeant reads off -- he gives our designation like  
17 Adam Boy, East Adam Boy, East Charlie David, South Adam Boy,  
18 and that -- we get assigned to that, and were assigned a  
19 building that we have to do a vertical patrol in.

20 Q. So you get your quadrant or sub quadrant that  
21 you're supposed to patrol, and then you're told specifically  
22 to do a vertical in a particular building?

23 A. In a particular building.

24 Q. Do you know why you're told to do a vertical in a  
25 particular building?

1 A. I don't remember.

2 Q. Was 1700 Metropolitan Avenue in the Charlie David  
3 sub sector?

4 A. Yes.

5 Q. Who else, if anyone, was assigned to the east  
6 quadrant, Charlie David?

7 A. It was just me.

8 Q. No one else was assigned that day?

9 A. To East Charlie David?

10 Q. Yes.

11 A. No.

12 Q. And you said I think earlier that sometimes that  
13 could happen, correct, that sometimes two people would be  
14 assigned?

15 A. You mean East Adam Boy.

16 Q. So somebody would be assigned to East Adam Boy and  
17 somebody would be assigned to --

18 A. Yes.

19 Q. Who was assigned to East Adam Boy?

20 A. Albert Acosta.

21 Q. Prior to February 12, 2001, how many times had you  
22 been assigned to the same quadrant with Albert Acosta?

23 A. I don't know.

24 Q. More than a hundred?

25 A. I don't remember.

1 MR. JOSEPH: Objection to form. You can  
2 answer it if you know.

3 A. I believe they each had their own door.

4 Q. Those doors had locks?

5 A. Some did, some didn't.

6 Q. Were those doors inside the basement locked?

7 A. Mostly you find them open. Yeah, mostly I found  
8 them open when I was doing checks.

9 Q. Now the outside door to get into the basement, was  
10 that locked, from the outside, was that locked?

11 A. The outside door?

12 Q. The outside door.

13 A. I didn't check the outside door.

14 Q. I guess what I mean is, was that a door that was  
15 supposed to be locked from the outside?

16 A. Yeah, all doors were supposed to be locked.  
17 Sometimes they're ajar. You need an extra push to secure it.

18 Q. Was it the type of door that once it's closed, it's  
19 a self-locking door, as opposed to having to turn your key?

20 A. Yes, self-locking.

21 Q. Did you have a key to that door?

22 A. Yes.

23 Q. Did you have a key the inner doors?

24 A. Yes.

25 Q. Any rooms in the basement of 1700 that you did not



1 A. There are some high-rises and there are some  
2 low-rises.

3 Q. And a low-rise building that you're not doing a  
4 vertical in, how long would it take you to patrol that  
5 building?

6 A. Well, if you do it properly, if you do it properly,  
7 a vertical, it could take -- and if you don't find any  
8 violations, anywhere between maybe 12 to 15 minutes.

9 Q. You said you had your Parkchester radio with you?

10 A. Yes.

11 Q. Is that the only radio you had?

12 A. Yes.

13 Q. While you were on patrol, did you hear anything  
14 over the radio?

15 A. Sergeant Ohle gave out a call.

16 Q. So you could hear transmissions from other  
17 Parkchester employees?

18 A. Yes.

19 Q. Could you hear transmissions from other SPOs  
20 besides -- other than sergeants, could you hear other SPOs?

21 A. At that time, there were a problem with the  
22 transmission. I believe even Sergeant Ohle had testified to  
23 that. What they would do, they would -- the Met oval that I  
24 previously mentioned, if a call didn't get across, it was the  
25 job of the central to call Met Oval which had a phone and to

1 relay the message from central to the officer in the field?

2 Q. But my question is this, could you only hear  
3 messages coming from a sergeant or central or if, let's say,  
4 someone patrolling the west quadrant? Could you hear a  
5 transmission that that officer makes?

6 MR. JOSEPH: Assuming the radios are working  
7 properly?

8 Q. Assuming the radios.

9 A. Assuming the radios were working fine, yes.

10 Q. Could you hear any NYPD transmissions over your  
11 radio?

12 A. No.

13 Q. Now you said you heard a call come in from Sergeant  
14 Ohle. Was that the first radio transmission you heard that  
15 day?

16 A. For me, yeah. When it says "East Charlie David," I  
17 try to pay certain attention to my designation.

18 Q. Are you paying less attention to things that are  
19 going to the west quadrant and the south?

20 A. Yeah, unless it's something important and they call  
21 it an emergency. Other than that, I try to pay a lot of  
22 attention to my designation.

23 Q. The call that you heard from Sergeant Ohle, was  
24 that directed to you?

25 A. Yes.



1 A. No, no.

2 Q. Are you supposed to give tenants summonses in  
3 person?

4 A. They advise you not to do that to avoid  
5 confrontation because it happened in the past where someone  
6 was given a summons, they were chased out of the building by  
7 the tenant. They were very angry.

8 Q. Have you ever given a summons to someone in person?

9 A. When I first started, I learned the hard way.

10 Q. Were you ever chased out of a building?

11 A. I was screamed and cursed at.

12 Q. What was the summons for?

13 A. For noise.

14 Q. The summons you supposedly wrote this day.

15 A. It was for improper garbage disposal.

16 Q. When were you supposed to deliver that to  
17 Parkchester?

18 A. At the end of the tour when we go back, everybody  
19 lines up, they hand in their radio, their keys and whatever  
20 reports and summonses they have.

21 Q. How long did that take you?

22 A. What's that?

23 Q. What you just described, writing the summons and  
24 report?

25 A. About 20 -- close to 20, maybe 25 minutes.

1 Q. Where is 14 Metropolitan Oval in relation to 1700  
2 Metropolitan Avenue?

3 A. It's like -- it would be like two city blocks away.

4 Q. While you were writing this report and summons, did  
5 you hear any radio transmissions?

6 A. No.

7 Q. Do you know if there were any that you just didn't  
8 pay attention to?

9 A. I didn't hear any transmissions.

10 Q. Do you know if any were made?

11 A. I don't know.

12 Q. What did you do after the 20, 25 minutes after  
13 writing the report and summons?

14 A. Can I back up. I learned later during trial --

15 Q. I'm not asking what you learned during trial. I'm  
16 asking sitting here today, do you remember hearing any other  
17 transmissions?

18 A. No.

19 Q. What did you do after the 20, 25 minutes of writing  
20 your report and summons?

21 A. I exited the building, and I had planned on going  
22 for a coffee break. I called out for a 10-8 which is a  
23 break.

24 Q. Was that also known as a personal?

25 A. A personal, a break.

A. MANGANIELLO

A. I believe I did.

Q. What happened then?

A. I heard Sergeant Ohle said, "10-4," and as soon as I was crossing the street within minutes, he called out "10-13, 10-13, officer down, East Adam Boy in the basement, East Adam Boy shot," and he said, "Central, bring the chief out there immediately."

Q. What time was that?

A. It was minutes after I called for the 10-8. It must have been maybe -- I don't know if it was 10:00, 10:20 or 10:30. I don't know.

Q. It was after you put over that you were going on a break?

A. Right.

Q. Do you know where Sergeant Ohle was when he put that over?

A. He was at that location.

Q. How do you know?

A. He said that.

Q. What did he say?

A. He said, "Park 4, Park 4, Central." That's his designation, Park 4. He said, "East Adam Boy, East Adam Boy down in the basement, shot. Get an ambulance and get the chief over here immediately." Then --

Q. Is that the first transmission you heard regarding

## C E R T I F I C A T E

STATE OF NEW YORK )

: SS.:

COUNTY OF KINGS )

I, LATOYA YOUNGBLOOD, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of January, 2008.

  
LATOYA YOUNGBLOOD